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C O N F I D E N T I A L SECTION 01 OF 03 RANGOON 000098

SIPDIS

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TAGS: [PGOV](#) [PREL](#) [PHUM](#) [BM](#)
SUBJECT: BURMA: UN SPECIAL RAPPORTEUR FOR HUMAN RIGHTS
DISAPPOINTED WITH VISIT

REF: A. 09 RANGOON 110
[1](#)B. 10 RANGOON 90

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Classified By: Political Officer Marc Shaw for Reasons 1.4 (b) & (d)

Summary

[1](#)1. (C) UN Special Rapporteur for Human Rights in Burma Tomas Ojea Quintana expressed disappointment with his five-day visit to Burma during a February 19 outbrief with the diplomatic corps. After briefly thanking the Burma government for allowing the visit, Ojea Quintana noted that the GOB controlled his every move, granted him little beyond "basic" access, and offered no indication planned 2010 elections will be free and fair. He expressed "deep regret" that the GOB denied his request to meet with Aung San Suu Kyi (ASSK). He reported that his discussion with National League for Democracy (NLD) Uncles focused on the need for human rights protections during elections and the importance of release of prisoners of conscience.

[1](#)2. (C) Ojea Quintana said that Labor Minister Aung Kyi agreed to look into a child labor case, a potential positive outcome. He also met with 15 political prisoners and concluded prison conditions still do not meet international standards. Ojea Quintana expressed outrage at the continued discriminatory treatment of Rohingyas, some of whom have been incarcerated on bogus marriage and immigration violations. Ojea Quintana noted continuing concerns about rule of law, including lack of judicial oversight of interrogation of suspects. The UN envoy expects to request a return visit to Burma prior to reporting to the UN General Assembly in October. End Summary.

2010 Elections

[1](#)3. (C) At the February 19 briefing for diplomats, Ojea Quintana said he emphasized to the GOB that 2010 presents an opportunity for the government to demonstrate to the international community it respects human rights. Ojea Quintana noted that people need to be without fear if they

are to participate meaningfully in the elections. Freedoms of association and speech are necessary for credible elections, he stressed. The GOB still has not announced election laws or the election date beyond telling him these important laws will be released in "the present year." When he inquired about specifics, GOB officials reportedly said the laws are still being prepared. The UN envoy was disappointed that the GOB was noncommittal on this issue, mentioning to diplomats that the GOB gave him no indication there will be full participation in the election. Ojea Quintana was even more blunt to the foreign media, reportedly stating that "There is no sign, no indication that the government is willing to respect human rights and in that sense the election won't be acceptable."

ASSK and the NLD

14. (C) Describing ASSK's role as "critically important" for credible elections, Ojea Quintana expressed "deep regret" that the GOB again denied him a meeting with her, even though he had requested the session in advance. Permitting such a meeting, the envoy noted, could have indicated to the international community the GOB's willingness to have inclusive participation in the elections and act consistent with international norms. That the meeting was denied is troubling in this election year, he commented. In a conversation with the CDA on the margins of the briefing, Ojea Quintana said that the GOB provided no explanation for not permitting the ASSK meeting. Despite the GOB's rebuff, Ojea Quintana said he urged officials to "release her immediately."

15. (C) Turning to the NLD, Ojea Quintana said his

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discussion with Central Executive Committee members (aka "the Uncles") focused on the need for human rights protections during elections, the importance of releasing prisoners of conscience, and freedom of speech. NLD spokesman Nyan Win told us the meeting included recently released NLD Vice-Chairman U Tin Oo and outspoken former journalist and political prisoner Win Tin. Press reports, quoting U Tin Oo, added that the UN envoy and the Uncles discussed ASSK's pending requests for a meeting between the senior general and ASSK, and between ASSK and the NLD Central Executive Committee.

Positive Meeting with Minister of Labor Aung Kyi

16. (C) The GOB granted Ojea Quintana meetings in Nay Pyi Taw with the Home Affairs Minister, the Labor Minister, the Attorney General, the Chief Justice, and the Human Rights Body. Ojea Quintana described his discussions with Aung Kyi on forced labor, child soldiers, and workers rights as "very useful." He raised the particular case of a 28 year-old prisoner being held at Insein Prison who is serving a seven-year sentence for deserting the military. This prisoner had been a child recruit. Labor Minister Aung Kyi professed a willingness to investigate this case, which Ojea Quintana viewed as a potentially positive outcome.

Prisoners of Conscience

17. (C) The GOB permitted meetings with 15 political prisoners, but Ojea Quintana received no indication the government would release any detainees. Officials continue to deny any prisoners of conscience exist in Burma. Ojea Quintana said the group of political prisoners he met represented activists, journalists, and members of political parties opposed to the government -- housed in three different prisons. At Buthidaung Prison in Rakhine State, he met with prominent 88 Generation Students activist Htay Kywe and other political prisoners, including Tun Nyo, Myat Tun,

Ahmed, and Kyaw Min. At Sittwe Prison, also in Rakhine State, the UN envoy met with Than Tin, Pyae Phyo Hlaing, Aung Tun Myint, and Sandar Thiri. In Rangoon's Insein Prison, he talked with Tuesday Prayer Group leader Naw Ohn Hla (sentenced February 15 to two years' imprisonment), as well as Ma Than Htay, Kyaw San, Kyi Than, Myo Win, and Khai Kyaw Moe.

¶18. (C) When asked, Ojea Quintana told the CDA that he was allowed to meet privately with all political prisoners he requested, except for one who had been transferred. He used a UN interpreter during the meetings. Political prisoners raised concerns about the great distance family members must travel to visit and the poor condition of prisons. Ojea Quintana told the assembled diplomatic corps that prison conditions at Insein and Buthidaung Prisons had "slightly" improved, but concluded that they still do not meet international standards. Ojea Quintana encouraged the GOB to continue its efforts to improve prison facilities.

Rohingya Minority Group

¶19. (C) Ojea Quintana met with members of the Muslim Rohingya minority in Rakhine State and described "deeply disturbing" circumstances, including denials of basic human rights. Many of the inmates in one Rakhine State prison are Muslims convicted of such "crimes" as illegal marriage and violating immigration laws. Ojea Quintana expressed outrage over the cumbersome process Rohingyas must undergo to gain permission for routine issues -- including registering births -- and was appalled by the reports of forced labor. Ojea Quintana noted the devastating impact of discrimination on children and added that the GOB's "lack of acknowledgement" of such discrimination is very troubling. Acknowledgement is a "necessary step one" to dealing with the problem.

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Reform of the Judiciary

¶10. (C) Ojea Quintana noted continuing rule of law concerns, including lack of judicial oversight of interrogation of suspects, which results in ill treatment. He noted that judges often impose maximum sentences. Ojea Quintana said officials described some progress on revising national legislation related to human rights issues; however, those officials did not provide details. The UN envoy said he inquired about preparations for the UN Universal Periodic Review of Human Rights issues in Burma; the GOB told him it is starting to prepare its submission. Ojea Quintana concluded that judicial issues "need more discussion."

Next Steps

¶11. (C) Ojea Quintana summarized that human rights conditions in Burma remain "very difficult." Still, he added, engagement is necessary. Ojea Quintana will report to the UN Human Rights Commission in March. He said he expects to request a visit to Burma prior to reporting to the UN General Assembly in October. In an exchange with the CDA after the briefing, Ojea Quintana thanked the United States for maintaining a strong focus on human rights issues in Burma while attempting to engage.

Comment

¶12. (C) Ojea Quintana was visibly annoyed with the GOB's handling of his visit and the lack of progress, and considerably more critical than on his two previous visits. It is reasonable to conclude that his irritation stems from the absence of measurable progress on any of the issues he has raised. He also appeared irritated by the government's

unwillingness to entertain his requests for a face-to-face meeting with Aung San Suu Kyi, to get an audience with any of Burma's decision-makers, and to the road blocks he encountered when attempting to negotiate a schedule. The lack of progress Ojea Quintana observed does not bode well; the GOB appears intent on maintaining firm control in the runup to the elections.

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